

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 13

February 25, 1998, 6:09 pm
Page S-999 Temp. Record

MILITARY CONSTRUCTION LINE ITEM VETO DISAPPROVAL/Veto Override

SUBJECT: Military Construction Line Item Veto Disapproval Bill . . . H.R. 2631. Passage, upon reconsideration, the objections of the President notwithstanding.

ACTION: VETO OVERRIDDEN, 78-20

SYNOPSIS: On November 8, 1997, the House passed H.R. 2631 by a vote of 352-64. The Senate then passed the bill by voice vote on November 7 (the Senate had passed a similar bill, S. 1292, on October 30, by a vote of 69-30; see 105th Congress, 1st session, vote No. 287). President Clinton vetoed H.R. 2631 on November 13, 1997.

H.R. 2631, the Military Construction Line Item Veto Disapproval Bill, will disapprove the cancellation of the 38 projects in the Military Construction Appropriations Bill that were canceled by President Clinton pursuant to his line-item veto authority (see 104th Congress, second session, vote No. 56 for a description of that authority).

NOTE: On February 12, 1998, a United States District judge ruled that the line-item veto authority given to the President is unconstitutional. The Supreme Court has agreed to hear an appeal of that decision and is expected to issue a ruling this session.

Those favoring overriding the President's veto contended:

Argument 1:

We support the line-item veto, but we do not support it being used abusively. President Clinton, in vetoing 38 military construction projects, has abused his authority and it is now Congress' responsibility to correct him. The first problem is that he broke his word on the Budget Agreement by vetoing these projects, thereby reducing military spending below the agreed-upon level. The second problem is that he failed to set forth clear criteria for vetoing projects before Congress passed the bill. The third problem is that he failed to consult either with Congress or with military leaders in choosing projects to veto. The fourth problem is that he chose unacceptable criteria for evaluating projects. The fifth problem is that none of the projects for which he canceled funding met

(See other side)

YEAS (78)				NAYS (20)		NOT VOTING (2)	
Republican (46 or 84%)		Democrats (32 or 74%)		Republicans (9 or 16%)	Democrats (11 or 26%)	Republicans (0)	Democrats (2)
Allard	Inhofe	Akaka	Hollings	Abraham	Bumpers		Harkin- ²
Bennett	Jeffords	Baucus	Inouye	Ashcroft	Daschle		Kennedy- ^{2AY}
Bond	Kempthorne	Biden	Kerry	Coats	Dodd		
Brownback	Lott	Bingaman	Lautenberg	Gramm	Feingold		
Burns	Lugar	Boxer	Leahy	Grams	Johnson		
Campbell	Mack	Breaux	Levin	Grassley	Kerrey		
Chafee	McConnell	Bryan	Lieberman	Hutchinson	Kohl		
Cochran	Murkowski	Byrd	Mikulski	Kyl	Landrieu		
Collins	Nickles	Cleland	Moseley-Braun	McCain	Robb		
Coverdell	Roberts	Conrad	Moynihan		Wellstone		
Craig	Roth	Dorgan	Murray		Wyden		
D'Amato	Santorum	Durbin	Reed				
DeWine	Sessions	Feinstein	Reid				
Domenici	Shelby	Ford	Rockefeller				
Enzi	Smith, Bob	Glenn	Sarbanes				
Faircloth	Smith, Gordon	Graham	Torricelli				
Frist	Snowe						
Gorton	Specter						
Gregg	Stevens						
Hagel	Thomas						
Hatch	Thompson						
Helms	Thurmond						
Hutchison	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

his own flawed criteria. The sixth problem is that even though he has admitted that he made a mistake in canceling 18 of those projects (because he says he was given inaccurate information), he has not revealed which 18 of the 38 projects he now thinks should be funded. The Senate called on Defense Department officials to testify on these projects after they were vetoed. Those officials informed Senators that every one of those projects is mission-essential and ready for construction this year. We add that many of them address needs that have been ignored for years because of inadequate military budgets. When Congress passed the line-item veto bill last year it did not just give the President unilateral authority to cancel spending items; it also gave Congress the authority to use expedited procedures to review and to disapprove cancellations. We are at the end of that process now. By overriding this veto, funding will go forward.

Argument 2:

We were wrong. We should not have voted in favor of giving the President line-item veto authority. Our colleagues who argued that the President would use it inappropriately were correct. Also, we now agree with our colleagues that the line-item veto is unconstitutional. We admit and regret our earlier poor judgment, and will of course vote to override the President's veto.

Those opposing overriding the President's veto contended:

Argument 1:

We are in a very difficult situation. The President has grossly abused his authority, but the result, on balance, is one we feel compelled to support. The President did not consult with Congress or the Defense Department, he did not lay out clear criteria ahead of time by which he would judge construction projects, and we do not accept the criteria that he did lay out after he issued his line-item vetoes. However, we do not share our colleagues' assessment that the President did a poor job in identifying low-priority projects because many of the vetoed projects do not meet the criteria that we set up for evaluating projects and have been using for many years. We are not saying that these projects do not have military value--they unquestionably do. Instead, we are saying that they are of marginal value when compared to many other extremely critical military needs that were not funded, and the only reason they are being funded is because of where they are located. This spending is porkbarrel spending at its worst.

Today the United States has approximately 30,000 men and women deployed around Iraq, 8,000 American troops in peacekeeping operations in Bosnia, and another 70,000 in support of other military commitments worldwide. This level of deployment is the highest level ever during peacetime, yet the size of our Armed Forces is at its lowest level since before World War II. Personnel levels have been nearly halved over the last 10 years, and under President Clinton's inadequate defense budgets those troops who remain receive inadequate training and are using essentially 1980's equipment because so little new equipment has been procured. One very telling statistic is that last year 60 percent of Air Force pilots who had finished their initial 8-year commitments declined to reenlist for 5 years, even though they were offered \$60,000 bonuses for doing so. The primary reason they gave is that under this President they have been constantly deployed, rarely getting to be with their spouses and children. Thousands of service men and women are so poorly paid that they are on food stamps, tens of thousands live in housing that would be condemned if it were in private hands, and many soldiers on the West Coast live in Mexico because they cannot afford to live in the United States, the country they will give their lives to defend.

We are proud that Republicans in Congress have consistently voted to increase the President's inadequate defense budgets. We are not proud that they have not voted to increase them by sufficient amounts, nor are we proud that they have failed to spend the extra funds on the areas of greatest need. The Defense Department did not request funding for any of these low-priority military construction projects--the President was therefore right to veto funding for them. We strongly support his veto.

Argument 2:

Senators have focused on the Clinton Administration's failures in this process. What they have not mentioned is that they do not have clean hands either. During the markup of the fiscal year 1998 military construction appropriations bill, the Pentagon and Congress agreed on four criteria by which proposed construction projects would be judged. Our colleagues have emphasized that the President totally ignored those criteria when he issued his vetoes. However, they have not mentioned that Congress also ignored those criteria when it approved five of those projects. This bill will restore funding for projects that should never have been vetoed, but it will also restore funding for five projects that should never have been funded. We cannot vote to override the President's veto because we oppose funding